

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY L. HATHAWAY,

Defendant.

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8:14CR312

ORDER

This matter is before the court on the motion to continue by defendant Larry L. Hathaway (Hathaway) (Filing No. 26). Hathaway seeks a ninety-day continuance of the trial of this matter was scheduled for December 14, 2015. Hathaway's counsel represents Hathaway will file an affidavit whereby Hathaway consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Hathaway's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **No further motion for a continuance will be granted absent a showing by affidavit that a manifest injustice would occur if such a continuance were not granted.**

**IT IS ORDERED:**

1. Hathaway's motion to continue trial (Filing No. 26) is granted.
2. Trial of this matter is re-scheduled for **March 7, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 2, 2015, and March 7, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 2nd day of December, 2015.

BY THE COURT:  
s/ Thomas D. Thalken  
United States Magistrate Judge